THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.11656 OF 2007

DATED: 07-06-2007

BETWEEN

Ch.Satyanarayana.

…PETITIONER

AND

The Superintendent of Police,
West Godavari District, Eluru.

…RESPONDENT

ORDER:

This writ petition is filed seeking a Writ of Mandamus to direct the respondent not to interfere with the exhibition of games of skill, such as, (i) Ring throw, (ii) Ball throw (Box) (iii) Video games, (iv) Dart throw and (v) Steel Games being arranged by the petitioner and consequently declare the action of the respondent and his subordinates in interfering with the lawful activities as illegal and arbitrary.

2. It is stated that the petitioner eke out his livelihood by arranging the aforementioned skill games, excluded by Section 15 of the A.P. Gaming Act, 1975 (for short 'the Act'), wandering from village to village. It is stated that while he has been conducting the skill games,

the respondent officials and their subordinates have been interfering with the petty business activity of the petitioner in the guise of implementing the provisions of the Act, which action is illegal and arbitrary. It is stated that except the said games, he is not resorting to any other illegal activities, which are prohibited by Section 15 of the Act. It is further stated that Section 15 of the Act stipulates that the Act shall not apply to the games of skill, wherever played.

3. Having regard to the facts and circumstances of the case, it is just and proper to direct the respondent not to interfere with the lawful activities of the petitioner. However, if the petitioner conducts games of gambling or betting, it is always open for the police to take appropriate criminal action against the petitioner.

4. The writ petition is accordingly disposed of directing the respondent not to interfere with the lawful activities of the petitioner. However, it is made clear that it is open to the respondent to take appropriate action in accordance with law, in case, the petitioner indulges in illegal activities. There shall be no order as to costs.

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07-06-2007

Prv